

MINUTES
NATURAL RESOURCES COMMISSION

September 9, 2004

**Lansing Center
333 E. Michigan
Lansing**

PRESENT FOR THE COMMISSION

Mary Brown
Keith Charters, Chairman
Bob Garner
Jerry Hall
Frank Wheatlake

PRESENT FOR STAFF

Rebecca Humphries, Director
Dennis Fedewa, Chief Deputy
Arminda Koch, Resource Management Deputy
Jim Ekdahl, Upper Peninsula Field Deputy
James Riley, Office of the Attorney General
Department Staff

COMMITTEE OF THE WHOLE

Chairman Charters called the Committee of the Whole meeting of the Natural Resources Commission (NRC) to order at 3:00 p.m. on Thursday, September 9, 2004. The Committee of the Whole is a working session of the NRC.

Marketing the DNR

Douglas Finley, Office of Communications, reviewed their plan for "Soft Marketing" the DNR's programs. The target audience in this marketing plan will be primarily Michigan residents and others interested in Michigan's great outdoors. DNR employees will be another target audience. Who we are, what we do, the science behind the story, statewide focus-local opportunity, and images and photographs will all be included in the message to the public. This information will be communicated by several means: e-mails to an electronic list; DNR employees; travel and recreation portal; Travel Michigan.org; web sites; and electronic broadcasts. Mr. Finley said that in October begins the distribution to weekly publications, constituent groups and the electronic broadcast as well as posting the information on the DNR web site. He provided examples of the type of information that will be distributed.

Commissioner Garner stated the "Soft Marketing" plan is a great program and "telling the DNR's story" has been a weakness in the overall DNR communications plan. **Commissioner Brown** said the DNR has many stories to tell and looks forward to the future of this plan. **Commissioner Garner** encouraged the field staff to work with the media, public, etc., to deliver the messages. **Chairman Charters** said the DNR has a lot of great messages to get out. He commended Mr. Finley and the Office of Communications staff for their efforts.

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Chairman Charters welcomed the Michigan State University Fisheries and Wildlife Class to the meeting. **Shari Dann**, the instructor of this class, was also present.

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FISHING REGULATIONS

Todd Grischke, Fisheries Division, reviewed the proposed Fisheries Orders (FO-200, FO-201, FO-202, FO-205, FO-206, FO-214, FO-226) on the agenda "For Information Only." The Orders will appear on the October 7, 2004 NRC Agenda for Action.

FREE WINTER FISHING DAYS

Todd Grischke reported that the Natural Resources and Environmental Protection Act, 451 PA 1994, provides that the Department may designate one day or two consecutive days each year as a Free Winter Fishing Day. Therefore, Fisheries and Law Enforcement divisions recommended that the Saturday and Sunday preceding President's Day be permanently designed as Michigan's Free Winter Fishing Weekend.

Special Recognition: Ron Wilson, Forest Mineral and Fire Management Division

The NRC gave special recognition to **Ron Wilson**, who tracked and found a lost two-year old boy while camping in the Rifle River Recreation Area in the northern Lower Peninsula. When others had given up on the search, Mr. Wilson persisted using hunting tracking techniques. His persistence paid off when, nearly two miles down a path and 50 yards off the path into a fir swamp, he found the little boy. He carried the boy back to his parents at the camp. Mr. Wilson said that finding this boy was the highlight of his camping trip.

DIRECTOR'S REPORT

Introduction of New DNR Employees

Director Humphries introduced **Patricia Stewart, DNR's new Chief of the Office of Communications**; and **Rodney Stokes, DNR's Legislative Liaison**. Ms. Stewart left the DNR in the early 1990s and was employed by Michigan State University until she was rehired by the DNR. Mr. Stokes was also employed with the DNR until two years ago when he took a job with the City of Detroit, then Gainesville, Florida.

Law Enforcement Division Chief

Director Humphries announced that **Alan Marble** has been appointed as the new Chief of Law Enforcement Division. Lieutenant Marble has been a DNR employee for over 25 years. He replaced Richard Asher who passed away in 2003. The Director and NRC congratulated Lt. Marble on his new position.

Deaths

Director Humphries sadly noted that Mindy Sweeny, a receptionist for Wildlife Division, passed away suddenly last weekend. **Director Humphries** also noted that her Assistant, Mary Benson's mother passed away last night after a long illness.

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The Committee of the Whole meeting adjourned at 3:50 p.m.

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REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

Chairman Charters called the regular meeting of the Natural Resources Commission (NRC) to order at 4:15 p.m.

PUBLIC APPEARANCES

Reg Brown, homeowner in Oakland Township
Jim Campbell, Michigan Trappers Association
Gregory Cardillo, Skymasters R/C Club
James Derian, Oakland Township Trustee
Mac Deuparo, Indian Lakes property owner
Gerald Dywasuk, Orion Township Supervisor
Jerry Keck, Michigan Bow Hunters Association
Chauncy Moran
Joseph Peruzzi, Oakland Township Parks Commission
John Staran, attorney representing Orion Township
Gildo Tori, Michigan Chapter of the Wildlife Society
Mike Weger, owner of property in Oakland Township
Maryann Whitman, Orion Township resident

Gerald Dywasuk, Orion Township Supervisor, opposes the proposed Parks and Recreation Land Exchange, Bald Mountain Recreation Area because he believes that Mr. Weger will develop the property he would obtain through this exchange. **Mr. Dywasuk** asked for the opportunity for Orion Township to purchase that property to be maintained as recreational.

John Staran, attorney representing Orion Township, asked that Mr. Dywasuk's comments be considered. He explained that this property has been in State ownership for over 25 years. The infrastructure in the area was developed under the assumption that the property would remain in State ownership. He expressed concern with this property going into private ownership and said that the property is valuable and supports purchasing the Weger property, however, not at the expense of the current State-Owned parcel. He requested that, if the exchange does occur, that the restrictions to keep it recreational be maintained. He stated that the Township would have considered purchasing the State-owned property, but did not realize it was for sale. The Township does not trust that the court will not change the zoning from recreational to residential.

Commissioner Garner said this exchange may not be dollar-for-dollar, however, the State cannot afford to buy the property outright. Legally, he said, this is an equal swap and stated that the property in Oakland Township is a better piece of property for recreational purposes than the piece in Orion Township. **Commissioner Garner** said he had stalled the Director's decision on this matter pending an opportunity for him to personally visit the properties. He has done so and agrees that the exchange is warranted because it will add to the recreational opportunities at the Recreation Area. He said he will no longer request the Director's decision be delayed.

Commissioners Wheatlake and Hall also visited the properties.

Jim Campbell, Michigan Trappers Association, expressed concern that the proposed Bobcat Trapping Regulations allow for the use of foothold traps only in the Lower Peninsula on private lands. He believes this may conflict with other trapping regulations in effect at the same time for other species. **Commissioner Garner** recommended he discuss this issue with Law Enforcement Division Chief Alan Marble.

Chairman Charters read a letter from **Jil D. Bastian, Clerk, Charter Township of Orion**, into the record. Her letter requested that the Director remove the Weger property in Orion Township from consideration for a land exchange at this time and forever into the future; and, supported a

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direct DNR purchase of the Weger property, rather than acquisition through the proposed land exchange.

Chairman Charters read a letter from **Dr. and Mrs. Richard Wojciechowski** into the record that expressed support for the proposed Bald Mountain Recreation Area Exchange.

Chairman Charters read a letter from **Dennis Toffolo, Director, Community and Economic Development**, expressing concern that, if the Bald Mountain Recreation Area land exchange is approved, the Orion Township property will generate more traffic and will put more demands on an already heavily traveled road. He also expressed concern that, in time, the new owner, Mr. Weger, will request a more intensive use of the land that is not in keeping with the master plan and zoning of this property. Orion Township opposes the proposed exchange.

Jerry Keck, Michigan Bow Hunters Association and various hunting clubs, supports the proposed mourning dove hunting season.

Chauncy Moran requested more time to review the metallic mineral leases that are nominated where any portion falls within one-quarter mile of any watershed recharge system.

Gildo Tori, Michigan Chapter of the Wildlife Society, supports the proposed mourning dove hunting season.

Chairman Charters noted that the Tribes were granted mourning dove hunting rights by the Federal government on tribal lands over two years ago.

Reg Brown, homeowner in Oakland Township, supports the Bald Mountain Recreation Area proposed land exchange.

Maryann Whitman, Orion Township resident, commented on the proposed Bald Mountain Recreation Area land exchange stating she believes the Orion Township property holds more value from a floristic standpoint. She does not support the exchange for that reason.

Mike Weger, owner of property in Oakland Township, believes the Orion Township property in the proposed Bald Mountain Recreation Area exchange, is too pristine to develop. He does not believe that the property would be granted rezoning for development and believes that the public should have the opportunity to enjoy his Oakland Township property for recreational purposes. **Mr. Weger** stated that selling the parcel in Oakland Township without the exchange was not an option.

Joseph Peruzzi, Oakland Township Parks Commission, believes that the land the DNR would obtain in the proposed Bald Mountain Recreation Area land exchange is invaluable. He supports the exchange and hopes that Mr. Weger is a good steward of the property he will obtain if the exchange is approved.

Mac Deuparo, Indian Lakes property owner, suggested that land conservancies be created to protect State recreational lands from being exchanged. He stressed the importance of maintaining the water quality of Indian Lake as it eventually flows into the west branch of Stoney Creek. He believes State recreational lands should be preserved for recreational purposes only.

Gregory Cardillo, Skymasters R/C Club, does not support the proposed Bald Mountain Recreation Area land exchange. Although he agrees that the property the DNR will obtain is a good parcel, he has concerns that Mr. Weger will develop the land he obtains. He said that the new property would need safety zones and will allow for less hunting opportunities due to its surroundings. He supports purchasing the Weger property, but not losing the current parcel and

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recommended that the DNR request a deed restriction to protect the property from commercial use.

James Derian, Oakland Township Trustee, supports the proposed Bald Mountain Recreation Areas land exchange. He believes the zoning issues are very defensible and believes the property proposed for State ownership is much more valuable for recreational purposes. He urged approval of the exchange.

Vicki Anthes, Parks and Recreation Bureau, Planning Section, commented that the property to be obtained in the proposed Bald Mountain Recreation Area land exchange is environmentally superior to the other parcel in this exchange. Development adjacent to the current State land has hindered hunting opportunities. Staff recommends the exchange be approved.

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The Public Appearances portion of the meeting adjourned at 5:55 p.m.

REGULAR MEETING OF THE NATURAL RESOURCES COMMISSION

The Regular meeting of the Natural Resources Commission convened at 5:55 p.m.

APPROVAL OF MINUTES – AUGUST 12, 2004 NATURAL RESOURCES COMMISSION MEETING

Commissioner Wheatlake made a motion, supported by Commissioner Hall, for approval. Chairman Charters had a letter from Eileen Liska, Lobbyist, Michigan Humane Society (MHS), read into the record per request by Ms. Liska. The letter asked that the July 8, 2004 minutes of reflect the following: "MHS had not asked for the injunction we sought against the DNR and NRC from illegally promoting or opening a dove season before the legislature had put the doves on the state game list, to be extended to their being able to communicate with others in the Executive Branch of state government." **Motion unanimously carried.**

MOURNING DOVE SEASON, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 15

Commissioner Garner made a motion, supported by Commissioner Hall, for approval. Motion unanimously carried.

TRAPPING REGULATIONS AND TECHNICAL AMENDMENT, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 16

Commissioner Garner made a motion, supported by Commissioner Hall to approve with a change to the first sentence of 3.608(5) to read as follows: Through the last day of the open bobcat season, a person issued a fur harvester's license may obtain a free bobcat kill tag. Commissioner Hall requested that the Law Enforcement Division work with the trappers to develop protocol for interpretation of the trapping regulations. **Motion unanimously carried.**

NON-TOXIC SHOT USE ON SELECTED STATE GAME AND WILDLIFE AREAS, WILDLIFE CONSERVATION ORDER AMENDMENT NO. 17

Commissioner Garner made a motion, supported by Commissioner Hall, for approval. Motion unanimously carried.

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Director Action

Director Humphries stated her intent to sign all Director's Action Items on the Agenda, but she will delay signing the **Parks and Recreation Land Exchange, Bald Mountain Recreation Area-Oakland County, Land Transaction Case #20010084** until she has had the opportunity to address comments received earlier today from a State Representative.

Commissioner Wheatlake discussed easements across State lands stating that there should be consistency in how they are addressed.

POLICY COMMITTEE REPORTS

NRC Policy Committee on Finance and Administration

Commissioner Wheatlake, Committee Chair, reported that a meeting of the NRC Policy Committee on Finance and Administration met at 9:00 a.m. on Thursday, September 9, 2004 in Lansing. Commissioner Wheatlake and Hall were present for the Committee. NRC Chairman Charters was also present.

Agenda Items included:

- Investment Update;
- Audit Update;
- Constitutional Protection of Restricted Funds Legislation;
- Fund Briefing - Forest Development, State Park Improvement and Forest Recreation Funds;
- Budget Update including Payment in Lieu of Taxes (PILT);
- Executive Directive 2004-6 (spending freeze) and Potential Lapse of Funds.

The next meeting of the NRC Policy Committee on Finance and Administration will be in early 2005.

NRC Policy Committee on Wildlife Issues

Commissioner Garner, Committee Chair, reported that a meeting of the NRC Policy Committee on Wildlife Issues was held at 1:00 p.m. on Thursday, September 9, 2004 in Lansing. Commissioner Garner and Hall were present for the Committee. Commissioners Charters, Brown and Wheatlake were also present for the NRC.

Agenda Items included:

- Sale of Left-over Public Land Antlerless Deer Licenses for Upper Peninsula DMU's
- Peninsula DMUs
- Privately-owned Cervid Audit Update

Commissioner's Reports

Commissioner Wheatlake received several calls regarding mourning dove regulations, Bald Mountain Recreation Area Land Exchange, and other DNR matters; and held discussions with House Speaker Johnson.

Commissioner Hall received several calls regarding mourning dove regulations, Bald Mountain Recreation Area Land Exchange, and other DNR matters.

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Commissioner Garner received several calls regarding mourning dove regulations, Bald Mountain Recreation Area Land Exchange, and other DNR matters; and stressed the importance of Mourning dove habitat development.

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The meeting adjourned at 6:30 p.m.

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